



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 28, 1995

Mr. Edwin M. Snyder
First Assistant City Attorney
City of Plano
P.O. Box 860358
Plano, Texas 75086-0358

OR95-529

Dear Mr. Snyder:

You asked whether information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 29273.

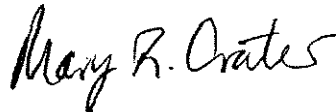
The City of Plano (the "city") received an open records request for certain information relating to a City Health Department complaint. You contend that some of the responsive information that would, for example, identify the person who complained to the city regarding an ordinance violation may be withheld from public disclosure pursuant to section 552.101 of the Government Code in conjunction with the informer's privilege.

On the basis of *Roviaro v. United States*, 353 U.S. 53 (1957), this office has held the informer's privilege applicable to communications made to law enforcement officials regarding the alleged commission of a crime. See Open Records Decision No. 515 (1988). In Open Records Decision No. 279 (1981), this office concluded that the identity of a person who reports a zoning violation to administrative officials with a duty to enforce zoning violations is excepted from disclosure under section 552.101 of the Open Records Act as information deemed confidential by the informer's privilege. See also Open Records Decision No. 355 (1982) (informer's privilege applicable to complaints concerning air pollution reported to city officials with duty to enforce local and state air quality requirements).

The documents that you have submitted demonstrate that a particular individual reported a violation of a city ordinance to the city, and the city determined that a violation had occurred. We conclude that you have demonstrated that the alleged informer reported a violation of a city ordinance to officials with a duty to enforce the ordinance. Therefore, we conclude that the city may except from disclosure the name of the informer and any other identifying information under the informer's privilege.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.101 regarding any other records. If you have any other questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Mary R. Crouter". The signature is written in a cursive style with a large, stylized "M" and "C".

Mary R. Crouter
Assistant Attorney General
Open Government Section

MRC/SAB/rho

Ref.: ID# 29273

Enclosures: Submitted documents

cc: Mr. Joseph C. Reynolds
3421 Bonniebrook Drive
Plano, Texas 75075
(w/o enclosures)